

May 31, 2006

Glenn Plosa, Esquire
The Zinser Law Firm
150 Second Avenue North
Suite 410
Nashville, TN 37201

Re: Bucks County Courier Times
Case 4-UC-424

Dear Mr. Plosa:

The above-captioned case, petitioning for a determination of the unit under Section 9(b) of the National Labor Relations Act, as amended, has been carefully considered.

As a result of the investigation, I find that further proceedings are unwarranted. The Employer's Petition seeks to clarify the bargaining unit to exclude press foremen based on their alleged supervisory status. The investigation disclosed that the Employer and Graphic Communications International Union Local 8N, Graphic Communications Conference a/w International Brotherhood of Teamsters entered into a Stipulated Election Agreement in Case 4-RC-21033 that was approved by the Regional Director on June 8, 2005, which specifically included the press foremen in the bargaining unit. The Union won the election and was certified as the collective bargaining representative of the stipulated unit on July 27, 2005. The Employer-Petitioner does not assert that the job duties or authority of the press foremen have changed since the parties signed the Stipulated Election Agreement, or that there is any newly discovered or previously unavailable evidence about their status. In these circumstances, the Employer-Petitioner is bound by its voluntary agreement in Case 4-RC-21033, and is estopped from seeking their exclusion through the filing of this petition. *Premier Living Center*, 331 NLRB 123 (2000). Accordingly, I find that there is no basis for clarifying the bargaining unit to exclude press foremen, and I am dismissing the Petition.

Pursuant to the National Labor Relations Board Rules and Regulations, you may obtain a review of this action by filing a request therefore with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, DC 20570, either by mail (eight copies) or by electronic filing through the Agency's website. A copy of the request for review must be served on each of the other parties to the proceeding, and with the Regional Director either by mail or by electronic filing to Region4@nrlrb.gov.¹ This request for review must contain a

¹ See OM 05-30, dated January 12, 2005, for a detailed explanation of requirements which must be met when electronically submitting representation case documents to the Board, or to a Region's electronic mailbox. OM 05-30 is available on the Agency's Web site at www.nrlrb.gov.

complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business on **Tuesday, June 14, 2006.** Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail or telegraph.

Very truly yours,

DOROTHY L. MOORE-DUNCAN
Regional Director

cc:

Lester A. Heltzer, Executive Secretary, NLRB, Washington, DC 20570

Todd Warner, Operations Director, Bucks County Courier Times, 8400 Route 13, Levittown, PA

19057

Edward Shown, President, Graphic Communications Int'l Union, Local 8N, 28 Harrington Terrace,

Morganville, NJ 07751

Paul A. Montalbano, Esquire, Cohen, Leder, Montalbano & Grossman, 1700 Galloping Hill Road,

Kenilworth, NJ 07033

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